

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.17973 of 2020
and W.M.P.No.22304 of 2020

R.Kalvikkarasi

..Petitioner

Vs.

1. The Tahsildar,
Ettukudi Vadapthi Panchayat,
Sirkazhi Circle,
Thenpathi, Sirkazhi,
Nagapattinam District.
2. The Revenue Inspector,
Municipal Office Building,
Opp to Bharath Petroleum,
Vaitheeswaran Kovil - 609 117.
3. The Village Administrative Officer,
Part 1 and Part 2,
Municipal Office Building,
Opp to Bharath Petroleum,
Vaitheeswaran Kovil - 609 117.

..Respondents

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to Application No.TN-7202011121672 on the file of the Tahsildar, Sirkazhi, quash the same and consequently, to direct the first respondent to issue a legal heir certificate to the petitioner.

For Petitioner : Mr.K.R.Gunashekar

For Respondents : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

The petitioner has sought for a Writ of Certiorarified Mandamus to quash the rejection of her online Application No.TN-7202011121672 for issuance of legal heir certificate.

2. The learned counsel for the petitioner submits that the petitioner married one S.Ramachandran, who was in profession as a Teacher in the year 1974. Thereafter, since they have no issues out of their marriage, the husband of the petitioner had illegal relationship with one Thaiyal Nayagi in the year 1990. Due to which, the husband of the petitioner had not provided any basic necessities to the petitioner. Aggrieved over the same, the petitioner filed a case before the Judicial Magistrate II, Cuddalore, in M.C.No.11 of 1998 and the learned Judge, by order dated 29.01.2002, ordered life subsistence allowance of Rs.400/- for every month till the life time of the petitioner.

3. The learned counsel for the petitioner further submits that the husband of the petitioner, S.Ramachandran, died on 26.09.2020 leaving behind the petitioner as his sole legal heir. Therefore, the petitioner applied for legal heirship certificate before the first respondent through online submitting all the relevant documents. But, the first respondent without conducting an enquiry and without assigning any reasons, rejected the petitioner's application. Hence, the petitioner has come before this Court by way of this Writ Petition.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. From the records, it is seen that though the rejection order states that as per the report of the Village Administrative Officer and the Revenue Inspector's enquiry, the application is rejected, the report of the Village Administrative Officer and the Revenue Inspector are not made available to the petitioner, and even, in the rejection order, there is no reason given. Since the petitioner claims as a wife of deceased S.Ramachandran, who died on 26.09.2020, an enquiry may be conducted by the Village Administrative Officer and the Revenue Inspector in this regard.

6. In view of the above, the rejection order passed on the online Application No.TN-7202011121672 is set aside and the first respondent Tahsildar is directed to conduct a fresh enquiry and pass orders on merits, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of six (6) weeks from the date of receipt of a copy of this order. The petitioner is also directed to cooperate with the enquiry and furnish documents in support of her claim.

With the above directions, the Writ Petition is disposed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Tahsildar,
Ettukudi Vadapathi Panchayat,
Sirkazhi Circle,
Thenpathi, Sirkazhi,
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+1cc to M/s.K.R.Gunasekhar, Advocate, S.R.No.40263

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AD(CO)
rv(06/01/2021)

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